

IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF NORTH DAKOTA
SOUTHEASTERN DIVISION

UNITED STATES OF AMERICA

v.

RORY DANNER UTVICK;
CHAYNE LOZDOSKI;
GARY ERNEST EISEMAN;
BRITTANY FAYE OHNSTAD;
ADAM ARNOLD THOENNES; and
LLOYD MARVIN SUND

I N D I C T M E N T

Case No. _____

Violation: 21 U.S.C. § 846; and
18 U.S.C. §§ 922(a)(6), 922(d)(1), and
924(a)(2)

COUNT ONE

Conspiracy to Possess with Intent to Distribute and Distribute Controlled Substances

The Grand Jury Charges:

From in or between October 2013 and continuously until the date of this

Indictment, in the Districts of North Dakota, Minnesota, and elsewhere,

RORY DANNER UTVICK;
CHAYNE LOZDOSKI;
GARY ERNEST EISEMAN;
BRITTANY FAYE OHNSTAD;
ADAM ARNOLD THOENNES; and
LLOYD MARVIN SUND

did knowingly and intentionally combine, conspire, confederate, and agree together and
with others, both known and unknown to the grand jury, to possess with intent to distribute
and distribute a mixture and substance containing a detectable amount of methamphetamine,
a Schedule II controlled substance, and a mixture and substance containing a detectable

amount of heroin, a Schedule I controlled substance, in violation of Title 21, United States Code, Section 841(a)(1), and Title 18, United States Code, Section 2.

Quantity of Methamphetamine Involved in the Conspiracy

With respect to defendants RORY DANNER UTVICK; CHAYNE LOZDOSKI; GARY ERNEST EISEMAN; and BRITTANY FAYE OHNSTAD, their conduct as members of the narcotics conspiracy, which includes the reasonably foreseeable conduct of other members of the narcotics conspiracy charged herein, involved 500 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(A)(viii).

With respect to defendants ADAM ARNOLD THOENNES and LLOYD MARVIN SUND, their conduct as members of the narcotics conspiracy, which includes the reasonably foreseeable conduct of other members of the narcotics conspiracy charged herein, involved 50 grams or more of a mixture and substance containing a detectable amount of methamphetamine, a Schedule II controlled substance, in violation of Title 21, United States Code, Section 841(b)(1)(B)(viii).

Overt Acts

In furtherance of this conspiracy and to effect and accomplish the objects of it, one or more of the conspirators committed the following overt acts:

1. It was a part of said conspiracy that the defendants and others would and did possess with intent to distribute and did distribute a mixture and substance containing a

detectable amount of methamphetamine, a Schedule II controlled substance, and a mixture and substance containing a detectable amount of heroin, a Schedule I controlled substance, within the states of North Dakota, Minnesota, and elsewhere;

2. It was further a part of said conspiracy that the defendants and others would and did attempt to conceal their activities;

3. It was further a part of said conspiracy that the defendants and others would and did use telecommunication facilities; and

4. It was further a part of said conspiracy that the defendants and others would and did use United States currency in their drug transactions;

In violation of Title 21, United States Code, Section 846; Pinkerton v. United States, 328 U.S. 640 (1946).

COUNT TWO

False Statement in the Acquisition of a Firearm

The Grand Jury Further Charges:

On or about December 16, 2013, in the District of North Dakota,

BRITTANY FAYE OHNSTAD,

in connection with the acquisition of a firearm, namely, a Springfield Armory (H/S Products/IM Metals), Model XD40, 40 caliber handgun, bearing Serial Number XD599787, from Used A Bit Sales - West, Fargo, North Dakota, a licensed dealer of firearms, knowingly made a false and fictitious written statement on an ATF Firearms Transaction Form 4473 furnished to Used A Bit Sales - West, which statement was likely to deceive Used A Bit Sales - West with respect to a fact material to the lawfulness of such acquisition of said firearm by BRITTANY FAYE OHNSTAD under the provisions of Chapter 44, Title 18, United States Code, in that BRITTANY FAYE OHNSTAD falsely represented that she was the actual buyer of the firearm, when, in fact, BRITTANY FAYE OHNSTAD knew she was acquiring the firearm on behalf of another individual;

In violation of Title 18, United States Code, Sections 922(a)(6) and 924(a)(2).

COUNT THREE

Sale or Transfer of a Firearm to a Prohibited Person

The Grand Jury Further Charges:

On or about December 16, 2013, in the District of North Dakota,

BRITTANY FAYE OHNSTAD

knowingly gave a firearm, that is, a Springfield Armory (H/S Products/IM Metals), Model XD40, 40 caliber handgun, bearing Serial Number XD599787, to Elston Marc Williamson, knowing and having reasonable cause to believe that Elston Marc Williamson had been convicted of a crime punishable by imprisonment for a term exceeding one year;

In violation of Title 18, United States Code, Sections 922(d)(1) and 924(a)(2).

A TRUE BILL:

/s/ Grand Jury Foreperson
Foreperson

/s/ Christopher C. Myers
CHRISTOPHER C. MYERS
Acting United States Attorney

BMS:ld